

REMARKS / ARGUMENTS

In complete response to the Restriction Requirement dated October 6, 2008, on the above identified application, reconsideration is respectfully requested. Claims 17-37 are pending in this application.

With this amendment, claims 22-37 are withdrawn.

Election/Restrictions

The Examiner requested a restriction under 35 U.S.C. 121 and 372 between the following allegedly distinct inventions:

Species I: Claims 17-22, drawn to an apparatus which may be used as fuel cell pack intended to be integrated into a power-producing device.

Species II: Claims 23-37, drawn to an apparatus which may be used as a power-producing device upon a fuel cell, comprising: a plurality of elementary cells, a fluid distribution means; two input fluids, two output fluids; fluid distribution system of an apparatus; a series of first valve elements; external circuit; series of second valve elements.

In response to the requirement for restriction, the Applicants elect, with traverse, the invention of Group I, claims 17-22, drawn to an apparatus which may be used as fuel cell pack intended to be integrated into a power-producing device, and withdraw claims 23-37. Applicants traverse because the Examiner fails to make a proper showing of lack of unity required by the USPTO as detailed in MPEP §1893.03(d). More specifically, the Examiner must “explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.” The present justification that Species 1 does not require the “fluid distribution system and external circuit of Species 2” is not a substitute for an explanation why there is no single general inventive concept. Additionally and as a point of clarification, Applicant kindly notes that claim 23 does not comprise an “external circuit”. Rather, claim 23 recites that

said fluid distribution system is able to be connected to at least one external circuit for the supply of said input fluids, and to at least one external circuit for the discharge of said output fluids

Thus, Applicants respectfully requests withdrawal of the Election Requirement.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,

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